THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

–

WRIT PETITION NO : 12307 of 2005

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Dated: 23.08.2005

Between:

E.Narsaiah, S/o Muthanna, aged 38 years,

Village Electricity Worker, Kodicherla

Village, Balakonda Mandal, Nizamabad

District.

.....PETITIONER

AND

The Chairman & Managing Director,

Northern Power Distribution Company

of A.P. Limited, Warangal-506 004

and two others.

…RESPONDENTS

ORDER:

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The writ petition is filed seeking a writ of Mandamus declaring the inaction of the respondents in appointing the petitioner as Contract Junior Lineman along with others as illegal and arbitrary, and consequently, to direct the respondents to consider his case and appoint him as Contract Junior Lineman along with others with all consequential benefits.

The facts of the case, in brief, which lead to filing the present writ petition are as follows: -

The petitioner claims that he hails from a poor family and belongs to Backward

Class Community and passed S.S.C. in the month of March, 1982. While so, the Divisional Engineer, Electrical (Operation), Nizamabad, through his proceedings dated 23.07.1984 deputed the petitioner to undergo training for a period of three months for appointment as Village Electricity Worker and accordingly, he successfully completed the training and pursuant to the proceedings dated 25.10.1984 he was appointed as Village Electricity Worker and since then he had been continuously working upto 31.08.1997. Thereafter, the petitioner was admitted in Osmania General Hospital, Hyderabad, for treatment of Tromocitic disease on 11.09.1997 and was discharged on 12.03.1999 after recovery. While so, the third respondent issued proceedings appointing Village Electricity Workers, who are similarly situated, as Junior Lineman (Trainee). Further, it is his case that in spite of repeated requests to the respondents, after recovery of his health, for absorption as Junior Lineman, his case was not considered, and as such he filed W.P.No.6534 of 1999 before this Court. The said writ petition was disposed of with a direction to the respondents to consider the case of the petitioner for absorption to the post of Junior Lineman or any other suitable post in accordance with B.P.Ms.No.36 dated 18.05.1997, if the said order is applicable to the petitioner subject to availability of vacancies.

Thereafter the petitioner approached the second respondent and requested to consider his case. Pursuant to the same, the second respondent through his Lr.No.CO/Admn/C2/F.No.730/99, dated 14.06.1999 requested the Additional Secretary, A.P. Transco, Vidyuth Soudha, Hyderabad, to intimate the date of holding interview to the petitioner to comply with the orders of this Court in the aforesaid writ petition. Now, the grievance of the petitioner is that so far no interview as such was conducted.

The petitioner further states that as per the memo dated 08.06.2002 of the first respondent, instructions were issued for engaging 31 Junior Linemen in Nizamabad Circle but the second respondent engaged only 19 candidates through his proceedings dated 28.06.2002, as such still there are 12 vacancies. The petitioner alleges that the persons who are appointed along with him and who are juniors to him were also engaged as Junior Linemen whereas his case was not yet considered. The petitioner claims that even as per the directions of this Court in the said W.P., his case has to be considered as there are 12 vacancies existing in the said cadre.

Learned counsel for the petitioner contended that even though the petitioner was called for the interview in pursuance of the directions given by this Court, he was not interviewed. The learned counsel further contended that 12 vacancies are available in Nizamabad District and the persons, who were not working as on 1997, were given appointment and therefore, he prays to allow the writ petition.

On the other hand, learned standing counsel appearing for the respondents contended that the whereabouts of the petitioner were not known from July, 1993 and that the petitioner was not on rolls as on 05.03.1996. Hence, the petitioner is not entitled for any relief.

It is not in dispute before this Court that as per B.P.M.S.No. 36 dated 18.05.1997, the prerequisite for appointment of contract labour in the category of Junior Lineman is that they should be on rolls as on that date. Though the petitioner contended that the service certificate issued by the respondents show that he was on rolls, the same is seriously disputed by the respondents. On the other hand, a specific stand has been taken by the respondents in their counter-affidavit that the petitioner was not on rolls as on 05.03.1996. Therefore, the question of consideration of the case of the petitioner for appointment to the post of junior line man under B.P.M.S.No. 36 does not arise.

Learned counsel for the petitioner further contended that pursuant to the directions of this court in W.P.No. 6534 of 1999, the Superintending Engineer requested the Additional Secretary to intimate date of holding interview to the petitioner and no further steps have been taken.

If the directions in the earlier writ petition are not implemented, the remedy is otherwise and the directions in the said writ petition have no bearing or relevancy on this writ petition.

Therefore, the writ petition is dismissed. No costs.

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23.08.2005

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